

The Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FAN WANG, and HANG GAO

Plaintiffs,

Case No. 2:21-cv-00861-TSZ

V.

ATHIRA PHARMA, INC., et al.,
Defendant

**STIPULATION RE WAIVER OF
SERVICE BY UNDERWRITER
DEFENDANTS AND LEEN KAWAS,
PH.D. AND [PROPOSED] ORDER**

HARSHDEEP JAWANDHA

Plaintiffs.

Case No. 2:21-cv-00862

**ATHIRA PHARMA, INC., et al.,
*Defendants.***

TIMOTHY SI YNE and TAI SI YNE

Plaintiffs

Case No. 2:21-cv-00864

ATHIRA PHARMA, INC, et al.,
Defendants.

I. STIPULATION

Plaintiffs Timothy Slyne and Tai Slyne (collectively the “Slyne Plaintiffs”), defendants Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Incorporated, and JMP Securities LLC (collectively the “Underwriter Defendants”), and defendant Leen Kawas, Ph.D. (“Dr. Kawas”), by and through their respective undersigned attorneys, and subject to the Court’s approval, hereby agree and stipulate as follows:

1. WHEREAS, on June 25, 2021 the Slyne Plaintiffs, individually and putatively on behalf of all others similarly situated, initiated a lawsuit against Athira Pharma, Inc., Glenna Mileson, Tadataka Yamada, M.D., John M. Fluke, Jr., James A. Johnson, Joseph Edelman, Dr. Kawas, and the Underwriter Defendants, by filing a document titled “Complaint—Class Action for Violation of Sections 11 and 15 of the Securities Act of 1933” in *Slyne et al. v. Athira Pharma, Inc., et al.*, 2:21-cv-00864-JLR (W.D. Wash.) (the “Slyne Action”).

2. WHEREAS, on June 25, 2021, two additional purported class action complaints raising issues of law and fact in common with those in the complaint in the *Slyne* Action were filed in this Court by plaintiffs Fan Wang and Hang Gao in *Wang et al. v. Athira Pharma, Inc., et al.*, Case No. 2:21-cv-00861-TSZ (W.D. Wash.) (the “Wang Action”); and by plaintiff Harshdeep Jawandha, in *Jawandha v. Athira Pharma, Inc., et al.*, Case No. 2:21-cv-00862-JCC (W.D. Wash.) (the “Jawandha Action”).

3. WHEREAS, on July 30, 2021, the Slyne Plaintiffs, through their counsel, asked counsel for Dr. Kawas and the Underwriter Defendants whether their clients would agree to waive service of a summons and the complaint in the Slyne Action.

4. WHEREAS, on August 5, 2021, the parties in the *Slyne* Action, the *Wang* Action, and the *Jawandha* Action filed a stipulated motion seeking to consolidate the three lawsuits. See Docket No. 14 in the *Wang* Action.

5. WHEREAS, on August 9, 2021, the Court entered a Minute Order consolidating the *Slyne* Action, the *Wang* Action, and the *Jawandha* Action (the “Consolidated Action”) for all

1 purposes and ordering that all further pleadings and papers shall be filed in the Wang Action.
2 Docket No. 15 in the *Wang* Action (the “Consolidation Order”).

3 6. WHEREAS, in the Consolidation Order, the Court stated as follows:

4 The pretrial deadlines set in Case No. C21-861 TSZ [the Wang Action], *see* docket
5 nos. 4 & 12, shall control. Within fourteen (14) days of the Court's Order for the
6 appointment of Lead Plaintiff and approval of Lead Counsel pursuant to the
7 PSLRA, the Lead Plaintiff and Defendants shall meet and confer and submit a
8 schedule for the filing of a consolidated complaint or designation of an operative
9 complaint, and a briefing schedule for Defendants' anticipated motion(s) to dismiss.

10 Docket No. 15 at p. 2.

11 7. WHEREAS, Dr. Kawas and the Underwriter Defendants each agreed to waive
12 service of a summons and the complaint in the Slyne Action and each executed service waivers,
13 copies of which were filed in the Consolidated Action immediately before this Stipulation was
14 filed. *See* Docket Nos. 24–28 (the “Service Waivers”).

15 8. WHEREAS, the Slyne Plaintiffs understand and agree that, notwithstanding
16 anything to the contrary provided in the Service Waivers, Dr. Kawas and the Underwriter
17 Defendants shall have no separate obligation or duty to answer or otherwise respond to the extant
18 complaint filed in the *Slyne* Action.

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
20 Slyne Plaintiffs, Dr. Kawas, and the Underwriter Defendants, and subject to the Court's approval,
21 as follows:

22 1. Dr. Kawas and the Underwriter Defendants waive service of a summons and the
23 Complaint in the *Slyne* Action as set forth in the Service Waivers.

24 2. Dr. Kawas's and the Underwriter Defendants' obligation to answer or otherwise
25 respond to the operative complaint in the Consolidated Action, once it has been filed or designated
26 by Lead Plaintiff, is governed by the Consolidated Order.

3. Notwithstanding anything to the contrary in the Service Waivers, Dr. Kawas and the Underwriter Defendants shall have no obligation to answer or otherwise respond to the extant complaint in the *Slyne* Action.

Dated: August 19, 2021

SO STIPULATED,

s/ Sean C. Knowles

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11 ***Attorneys for Plaintiffs Timothy Slyne and***
12 ***Tai Slyne***

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16 **II. ORDER**

17 Pursuant to the above Stipulation, **IT IS SO ORDERED.**

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19 _____
The Honorable Thomas S. Zilly

20 Presented by:

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Stipulation re Waiver of Service
and [Proposed] Order, No. 2:21-cv-00861-TSZ - 5

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35 Stipulation re Waiver of Service
36 and [Proposed] Order, No. 2:21-cv-00861-TSZ - 6

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